



Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## North Coast Region

**Ross R. Liscum, Chairman**

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Gray Davis  
Governor

October 8, 1999

### AGENDA REGIONAL WATER BOARD MEETING

8:30 AM, October 28, 1999  
North Coast Regional Water Board  
Hearing Room  
5550 Skylane Boulevard, Suite A  
Santa Rosa, California

**\*\*** *Estimated times of consideration - Items are numbered for convenience only and will not necessarily be considered in this order. Interested persons are encouraged to be present in advance of the listed time.*

#### **8:30 AM\*\***

- i. Roll Call and Introductions
- ii. Minutes of Past Meetings
- iii. Introduction of New Employees
- iv. **Public Forum** - Time will be reserved for the general public to address the Board on any subject relating to the Board's responsibilities. The Chair will determine the number of persons who wish to speak. The Chair requests that each person addressing the Board limit their presentation to three minutes. More lengthy items may be calendared for a future meeting.

#### **CORRECTIVE ACTION**

1. **PUBLIC HEARING** to consider whether to affirm, reject, or modify a Complaint for Administrative Civil Liability issued on September 23, 1999 and/or take other enforcement action in the matter of Reza Baghery for failure to comply with Time Schedule Order No. 97-112  
Joan Fleck

California Environmental Protection Agency

Recycled Paper



Following the hearing, the Board may adjourn to a closed session to consider evidence received at the hearing and whether to initiate litigation. Authority: Government Code, Section 11126, Subdivisions (c)(3), and (e)(2)(C)(i).

2. **PUBLIC HEARING** to consider City of Santa Rosa, Interim NPDES – Laguna Subregional Wastewater Facility and revise the time schedule contained in Cease and Desist Order No. 85-35. \*

*Paul Kieran*

- **Pending only with Appointment of Two Board Members** •

### 3. **EXECUTIVE OFFICER'S REPORT**

- |  |                      |
|--|----------------------|
| a. Reorganization Update   | <i>Craig Johnson</i> |
| b. Administrative Civil Liability Complaints issued by Executive Officer | <i>Lee Michlin</i>   |
| c. Planning Amendment for Beneficial Uses                                | <i>Robert Klamt</i>  |
| d. State Board Stormwater Permit   | <i>Bob Tancreto</i>  |
| e. Update on Mirabel Heights<br><i>Short</i>                             | <i>John</i>          |
| f. UC Davis ICE Demonstration Project<br><i>Michlin</i>                  | <i>Lee</i>           |
| g. Other Items of Interest<br><i>Lee Michlin</i>                         |                      |

### **OTHER BUSINESS**

4. Board of Forestry, Update on Forest Practice Rules Modifications *Chris Rowney*
5. Update on Budget *Craig Johnson*
6. Violations and Enforcement Report *Craig Johnson*
7. Resolution of Appreciation for Stan Plowman *Lee Michlin*
8. Article 11, Division 3, Chapter 16, Title 23, California Code of Regulations requires public notice for certain corrective actions related to releases from underground tanks.

This section satisfies the public notice requirements and is in addition to any notice for corrective actions given elsewhere in this agenda.

The following sites have completed Corrective Action and no further corrective action is required [pursuant to Section 2728(d)(2)]. Those Responsible Parties who are claimants to the petroleum underground tank cleanup fund are identified by a "+":



**Sonoma County**

Santa Rosa Value Center, Sebastopol Road at Stony Point Road, Santa Rosa, Case No. 1NSR337

**Del Norte County**

- + Old Sutter Coast Hospital, 100 A Street, Crescent City, Case No. 1TDN040
- + California Department of Forestry, 1025 Highway 101 North, Crescent City, Case No. 1TDN050

**Mendocino County**

- + Hopland Oil Company, 13475 Highway 101 South, Hopland; Case No. 1TMC323
- + Sodo Property, 46410 Sunset Drive, Gualala; Case No. 1TMC385

**Humboldt County**

- + Baker & Stanton, 37 Second Street, Eureka, Case No. 1THU243

9. Leaking Underground Storage Tanks/Sewage Spills
10. State and Regional Water Board Communications
11. Public Notice of Pending Requests for Water Quality Certification (Clean Water Act Section 401).

The Regional Water Board processes requests for certification, pursuant to Section 401 of the Clean Water Act, that a proposed federally permitted construction activity will comply with the Board's water quality standards. A listing of requests, which are pending Regional Water Board action, includes the following:

- (i) DeAngelis Construction has requested Water Quality Certification for placing fill in jurisdictional waters of the United States. The project is located on approximately 17 acres at 2944 Dutton Meadows, west of U.S. Highway 101 in the Southwest Plan Area of the City of Santa Rosa, Sonoma County. The project site is located on the east side of Dutton Meadows between Hearn and Bellevue Avenues and is bounded on the east by Colgan Creek Flood Control Channel. The purpose of the project is to facilitate the construction of 90 single-family residential units. The project would require the discharge of fill into approximately 0.218 acres of seasonal wetland habitat. No drainages are present and there would be no indirect impacts on other onsite or off-site wetlands. No federally listed or other special-status species are known to occur in either the seasonal wetlands or upland habitat on the site. Wetland mitigation will be achieved through the acquisition of credits from existing mitigation banks in the region or through the use of in-lieu fees paid by the applicant to the U.S. Fish and Wildlife Service.

A California Department of Fish and Game Stream Alteration Agreement is not necessary for this project. An Environmental Impact Report (EIR) for the Southwest Santa Rosa Area Plan was approved by the Santa Rosa City Council on June 21, 1994. The Southwest Santa Rosa Area Plan identified several proposed developments and associated wetland areas. To mitigate



wetland impacts, the Plan states project applicants must be in compliance with permits administered by the California Department of Fish and Game, U.S. Army Corps of Engineers, State Water Quality Control Board, and Federal Environmental Protection Agency. The Santa Rosa City Council determined the Southwest Santa Rosa Area Plan EIR specifically covered the project on August 26, 1999. The Regional Board has considered the EIR. Staff proposes to determine that the project complies with the waiver of waste discharge requirements contained in resolution No. 87-113 after a 15-day comment period which ends on October 23, 1999. (Scott A. Gergus)

- (ii) Ledwith and Associates has requested Water Quality Certification for filling 0.10 acres of isolated seasonal wetlands associated with the Self Storage Project. The project is located at 3512 Santa Rosa Avenue, Santa Rosa, Sonoma County. The purpose of the project is to facilitate construction of a self-storage project that would cover the entire 5.16-acre parcel. The wetlands have been described as being isolated, seasonal, and historically degraded due to localized grading, cultivation, and livestock use. Onsite wetlands include three small, shallow remnant swales that support a predominance of introduced grasses and common seasonal wetland weeds. Based on 1998 and 1999 spring surveys, no rare or endangered species would be affected. Mitigation for the filled wetlands will include purchase of 0.10 acre credits at the Wikiup Mitigation Bank and if required by the U.S. Army Corps of Engineers, purchase of an additional 0.10 acres of wetland preservation bank credits.

A California Department of Fish and Game Stream Alteration Agreement is not necessary. A completed application was received October 5, 1999. On October 6, 1999, the Joint City and County Design Review Committee approved a negative declaration for the project. The Regional Board has considered the negative declaration. The applicant will obtain a General Construction Activity Storm Water Permit. Staff proposes to determine that the project complies with the waiver of waste discharge requirements contained in resolution No. 87-113 after a 15-day comment period which ends on October 23, 1999. (Scott A. Gergus)

- (iii) Keegan and Coppin Company, Inc., has requested Water Quality Certification for placing fill in 0.4 acres of wetlands associated with the Aviation Association Speculation Industrial Building. The project is located at 675 Aviation Boulevard in the Airport Business Park in Santa Rosa, Sonoma County. The purpose of the project is to facilitate construction of a build-to-suit industrial space on a 3.13-acre site. The wetlands are characterized as being isolated, low quality, highly altered, seasonal wetlands that support a predominance of introduced grasses and common seasonal wetland weeds. The site contains approximately 0.138 acres of existing wetlands. Approximately 0.262 acres of onsite wetlands were filled without U.S. Army Corps of Engineers



permitting compliance. Based on a 1999 spring survey, no listed rare or endangered species would be affected. Mitigation for the filled wetlands will include purchase of 0.4 acres of wetland creation credits and 0.4 acres of endangered species habitat preservation credits.

A California Department of Fish and Game Stream Alteration Agreement is not necessary. A completed application was received October 4, 1999. On February 18, 1998, the Sonoma County Design Review Committee approved a negative declaration for the project. The Regional Board has considered the negative declaration. The applicant will obtain a General Construction Activity Storm Water Permit. Staff proposes to determine that the project complies with the waiver of waste discharge requirements contained in resolution No. 87-113 after a 15-day comment period which ends on October 23, 1999. (Scott A. Gergus)

- (iv) California Department of Transportation (Caltrans), North Region has requested Water Quality Certification for placing fill in Forsythe Creek to repair an eroded and unstable streambank and prevent roadway damage. The site is located along Forsythe Creek on State Route 101 Post Mile 34.5 (01-MEN-101-34.5) north of Ukiah, Mendocino County. Forsythe Creek is a perennial stream in this area. Work will occur on approximately 200 lineal feet of streambank and will require excavation of 5,200 cubic yards of material, installation of a drainage blanket, recompaction of the excavated soil into a buttress fill, and installation of approximately 1,038 cubic yards of rock slope protection (RSP). Riparian vegetation will be planted in the RSP. During construction, Forsythe Creek will be diverted around the project.

Caltrans has submitted an application for a California Department of Fish and Game 1603 Stream Alteration Agreement. A completed application was submitted on October 4, 1999. Staff has determined that this project is exempt from the provisions of California Environmental Quality Act pursuant to Title 14, CCR, Section 15301(c) as repair to an existing highway. A Section 7 Consultation with National Marine Fisheries Service has determined that the project is not likely to adversely affect listed and proposed salmonids. Staff proposes to determine that the project complies with the waiver of waste discharge requirements contained in resolution No. 87-113 after a 15-day comment period which ends on October 23, 1999. (Scott A. Gergus)

- (v) Russian River County Water District has requested Water Quality Certification for placing fill in 0.002 acres of jurisdictional waters of Hobson Creek. The project crosses Hobson Creek between Sequoia Avenue and McPeak Road in Hacienda, Sonoma County. Hobson creek is a perennial stream. The purpose of the project is to install a six-inch domestic water line as part of the reconstruction of an existing aging water distribution system that serves approximately 165



customers. The water line will be installed approximately four feet below the current streambed. Each trench will be backfilled with compacted native material and the disturbed areas rip-rapped with four cubic yards of rock. During construction, Hobson Creek will be diverted around the project.

The applicant has obtained a California Department of Fish and Game Stream Alteration Agreement. A completed application was received October 4, 1999. On September 22, 1998, the Russian River County Water District approved a negative declaration for the project. The Regional Board has considered the negative declaration. Staff proposes to determine that the project complies with the waiver of waste discharge requirements contained in resolution No. 87-113 after a 15-day comment period which ends on October 23, 1999. (Scott A. Gergus)

- (vi) Mr. James Pool has requested Water Quality Certification for placing fill in 0.001 acres of jurisdictional waters of Paulin Creek. The project crosses Paulin Creek approximately 0.4 miles upstream from the Sonoma County Water Agency flood control dam. The project is located at 3450 Chanate Road in Santa Rosa, Sonoma County. The purpose of the project is to abandon a failing leachfield and associated septic tank by connecting to the Santa Rosa sanitary sewer system. A four-inch diameter pipe will be installed approximately two feet below the streambed, backfilled with native material, and capped with rip-rap or concrete slurry. During construction, Paulin Creek will be diverted around the project.

A California Department of Fish and Game 1603 Stream Alteration Agreement is not needed. A completed application was submitted on October 4, 1999. Staff has determined that this project is exempt from the provisions of California Environmental Quality Act pursuant to Title 14, CCR, Section 15303(d) as construction of a new sewer line of reasonable length. Staff proposes to determine that the project complies with the waiver of waste discharge requirements contained in resolution No. 87-113 after a 15-day comment period which ends on October 23, 1999. (Scott A. Gergus)

A fact sheet about a specific project and information about certification and opportunity for public comment may be obtained by calling the Regional Water Board office at (707) 576-2220 and asking for the specific staff person assigned to the project. (The name of the staff person is in parenthesis at the end of each descriptive paragraph.)

- 12. Closed Session. On October 28, 1999, the Regional Water Board will be meeting in closed session to discuss Significant Exposure to Litigation. [Authority: Government Code Section 11126(e)(2)(B)(i).]
- 13. Closed Session. On October 28, 1999, the Regional Water Board will be meeting in closed



session to discuss Whether to Initiate Litigation. [Authority: Government Code Section 11126(e)(2)(C)(i).]

14. Closed Session. On October 28, 1999, the Regional Water Board will be meeting in closed session to discuss ongoing litigation [Authority: Government Code Section 11126(e)(2)(A)].
15. Closed Session. On October 28, 1999, the Regional Water Board will be meeting in closed session to discuss an Employee Evaluation. [Authority: Government Code Section 11126(a)(1).]

Anyone requiring reasonable accommodation to participate in the meeting should contact Ms. Jean Spath, Executive Assistant at (707) 576-2220 at least five days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Written comments should be submitted to ensure they will be included in the record before the Board. Oral testimony should be limited to brief summaries of written testimony. Please note time limitations will be imposed on presentations and limited to five minutes unless otherwise determined by the Board Chair.

A copy of the procedures governing Regional Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq., and is available upon request. Hearings before the Regional Water Board are not conducted pursuant to Government Code Section 11500 et seq.

A quorum of the members of the Regional Water Board may recess for lunch; however, no business will be discussed.

Material presented to the Board, as part of testimony that is to be made part of the record must be left with the Board. This includes photographs, slides, charts, diagrams, written testimony, etc. All Board files pertaining to the items on this agenda are hereby made a part of the record submitted to the Regional Water Board by staff for its consideration prior to action on the related items.

All persons who actively support or oppose the adoption of waste discharge requirements or an NPDES permit being considered by the Regional Water Board must submit a statement to the Board disclosing any contribution of \$250 or more to any Regional Water Board Member. This requirement applies to contributions of \$250 or more made by the active supporter or opponent or his/her agent for use in federal, state or local elections within the last 12 months.

Also, all permit applicants and/or persons who actively support or oppose adoption of a set of waste discharge requirements or an NPDES Permit pending before the Regional Water Board are prohibited from making a contribution of \$250 or more to any Board Member for three months following a Regional Water Board decision on the permit application.





Any person affected adversely by a decision of the Regional Water Board may petition the State Water Resources Control Board (State Water Board), to review the decision. The petition must be received by the State Water Board within 30 days of the Regional Water Board's meeting at which the action was taken. Copies of the laws and regulations applicable to filing a petition will be provided upon request.

The next Regional Water Board meeting will be held on December 2, 1999 in Santa Rosa, California. *(Subject to change)*





California Regional Water Quality Control Board  
North Coast Region

Board Members

Ross R. Liscum, Chair, Santa Rosa  
William A. Hoy, Weed  
James Mitchell, Santa Rosa  
Stan Plowman, Trinity Center  
Bev Wasson, Rio Nido

Staff

Lee A. Michlin, Executive Officer  
Craig R. Johnson, Assistant Executive Officer, Ombudsman  
Jean M. Spath, Executive Assistant  
Philip G. Wyels, Legal Counsel

**Watershed Protection Division**

Robert L. Tancreto, Supervising Water Resource Control Engineer  
Robert R. Klamt, Senior Land and Water Use Analyst ( Russian 1)  
John Short, Senior Water Resource Control Engineer(Russian 2)  
David S. Evans, Senior Water Resource Control Engineer (N. Coast)  
John R. Hannum, Senior Water Resource Control Engineer (Northern Watershed)

**Timber Harvest Division**

Frank C. Reichmuth, Supervising Water Resource Control Engineer  
Christine Wright-Shacklett, Senior Engineering Geologist (N. Coast)  
Nathan P. Quarles, Senior Water Resource Control Engineer (Humboldt, Eel)  
Fred Blatt, Environmental Specialist IV (Klamth, Trinity)  
Ranjit Gill, Environmental Specialist IV (Headwaters)

**Cleanup and Investigation Division**

Susan A. Warner, Supervising Water Resource Control Engineer  
Thomas B. Dunbar, Senior Water Resource Control Engineer (Santa Rosa)  
Tuck Vath, Senior Engineering Geologist (Northern WS)  
Chris Igbinedion, Senior Water Resource Control Engineer (Central WS)  
Kathleen Daly, Regional Administrative Officer (Administration)



## Bill of Rights for Environmental Permit Applicants

The California Environmental Protection Agency (Cal/EPA) endorses the following precepts that form the basis of a permit applicant's "Bill of Rights":

1. Permit applicants have the right to assistance in understanding regulatory and permit requirements. All Cal/EPA programs maintain an Ombudsman to work directly with applicants. Permit Assistance Centers located throughout California have permit specialists from all State, regional, and local agencies to identify permit requirements and assist in permit processing.
2. Permit applicants have the right to know the projected fees for review of applications, how any costs will be determined and billed, and procedures for resolving any disputes over fee billings.
3. Permit applicants have the right of access to complete and clearly written guidance documents that explain the regulatory requirements. Agencies must publish a list of all information required in a permit application and of criteria used to determine whether the submitted information is adequate.
4. Permit applicants have the right of timely completeness determinations for their applications. In general, agencies notify the applicant within 30 days of any deficiencies or determine that the application is complete. California Environmental Quality Act (CEQA) and public hearing requests may require additional information.
5. Permit applicants have the right to know exactly how their applications are deficient and what further information is needed to make their applications complete. Pursuant to California Government Code Section 65944, after an application is accepted as complete, an agency may not request any new or additional information that was not specified in the original application.
6. Permit applicants have the right of a timely decision on their permit application. The agencies are required to establish time limits for permit reviews.
7. Permit applicants have the right to appeal permit review time limits by statute or administratively that have been violated without good cause. For state environmental agencies, appeals are made directly to the Cal/EPA Secretary or to a specific board. For local environmental agencies, appeals are generally made to the local governing board or, under certain circumstances, to Cal/EPA. Through this appeal, applicants may obtain a set date for a decision on their permit and in some cases a refund of all application fees (ask boards and departments for details).
8. Permit applicants have the right to work with a single lead agency where multiple environmental approvals are needed. For multiple permits, all agency actions can be consolidated under lead agency. For site remediation, all applicable laws can be administered through a single lead agency.
9. Permit applicants have the right to know who will be reviewing their application and the time required to complete the full review process.

For further information you may contact the North Coast Regional Water Quality Control Board at (707) 576-2220.